



**DEPARTMENT OF THE NAVY**  
NAVY DRUG SCREENING LABORATORY  
34425 FARENHOLT AVENUE, STE 40  
SAN DIEGO, CA 92134-7040

IN REPLY REFER TO :

5239

Ser 00/0247

15 May 2003

From: Commanding Officer, Navy Drug Screening Laboratory San Diego CA  
To: Commanding Officer, Navy Environmental Health Center, 620 John Paul Jones Circle,  
Suite 1100, Portsmouth, VA 23708-2103

Subj: CERTIFICATION OF THE NDSL, SD WEBPAGE

Encl: (1) Web Site Registration Request Form  
(2) GILS Registration  
(3) Bobby 508 compliance report for the NDSL, SD "Home" web page  
(4) Bobby 508 compliance report for the NDSL, SD "About" web page  
(5) Bobby 508 compliance report for the NDSL, SD "Hours" web page  
(6) Bobby 508 compliance report for the NDSL, SD "POC" web page  
(7) Bobby 508 compliance report for the NDSL, SD "FAQ" web page  
(8) Bobby 508 compliance report for the NDSL, SD "Links" web page  
(9) Bobby 508 compliance report for the NDSL, SD "Community" web page  
(10) Bobby 508 compliance report for the NDSL, SD "What's New" web page  
(11) Bobby 508 compliance report for the NDSL, SD "Privacy" web page  
(12) Bobby 508 compliance report for the NDSL, SD "Cookie" web page  
(13) Bobby 508 compliance report for the NDSL, SD "508" web page  
(14) Bobby 508 compliance report for the NDSL, SD "FOIA" web page

1. Enclosures (1) through (14) have been reviewed. The Navy Drug Screening Laboratory web page has been found to be in compliance with BUMED and NEHC web page guidelines.

2. Point of contact is D. A. Searles, LTJG, MSC, USNR at (619) 532-5178, DSN 522-5178, or dsearles@ndslsd.med.navy.mil.

M. L. FINCH



curtis@amazing.to

03/10/2003 18:42

To: N34@fiwc.navy.mil  
cc: curtis@amazing.to  
Subject: Web Site Registration Request Form

-----Command Info-----

Command Full Name: Navy Drug Screening Laboratory  
Command PLA: NAVDRUGLAB SAN DIEGO CA  
Street Address: 3445 Farenholt Avenue  
Street Address 2: Suite 40  
City: San Diego  
State: Ca  
Zip code: 92134  
Country: US  
Time Zone: PDT - Pacific Daylight  
Quarterdeck/24 Hour Telephone Number: 619-532-7141 Extension  
Command ISIC PLA: NAVENVIRHLTHCEN PORTSMOUTH VA  
Echelon: Chief, Bureau of Medicine and Surgery

-----PAO Info-----

PAO Office Code: OOMA  
PAO Email Address: cbernarte@ndslsd.med.navy.mil  
PAO Telephone Number: 619-532-5186 Extension  
PAO Fax Number: 619-532-7337

-----Web Site Info-----

Web site URL: navdruginfo.med.navy.mil  
Self Assessment: Yes  
Access Restrictions: Public Access, , , Login Access  
Key words: navy,marine,drug,screening,laboratory,san diego,ndslsd,navdruglab  
san diego ca,batch,status  
Webmaster name: Curtis Childers  
Webmaster telephone: 619-532-5180 Extension  
Webmaster email: curtis@amazing.to

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**ENCLOSURE(\)**

**U.S. DEPARTMENT  
OF DEFENSE****HOME****DTIC****DefenseLINK****STINET**

Title:

# NAVY DRUG SCREENING LABORATORY





**GILS Registration Number (Navy Web Sites): 3304****GILS Registration Number (All Other Sources): 59503****Web Site Address (URL): <http://navdweb.spawar.navy.mil/ndslsd>****Record Type: Navy Web Site****Originator****Department/Agency Name: Department of Defense****Major DoD Component: Navy****Name of Unit: NAVY DRUG SCREENING LABORATORY****Point of Contact****Contact Organization: NAVY DRUG SCREENING LABORATORY****Contact Street Address: BLDG 26 34225 FARENHOLD AVE STE 40****Contact City: SAN DIEGO****Contact State or Province: CA****Contact Zip or Postal Code: 92134****Contact Country: USA****Contact Telephone: 619-522-5186****Contact Fax: 619-532-5165****Uncontrolled Terms****Key Word: navy****Key Word: drug****Key Word: screening****Key Word: laboratory****Key Word: san diego****Key Word: ndslsd****Key Word: NAVDRUGLAB SAN DIEGO CA****Key Word: testing****Access Constraints: Public Access.**

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**Next Record****Last Record   Show Record List****Contact Us****Security and Privacy Notice****ENCLOSURE(2)**

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<input type="button" value="Go"/>	

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2. Questions or comments to the Defense Department.
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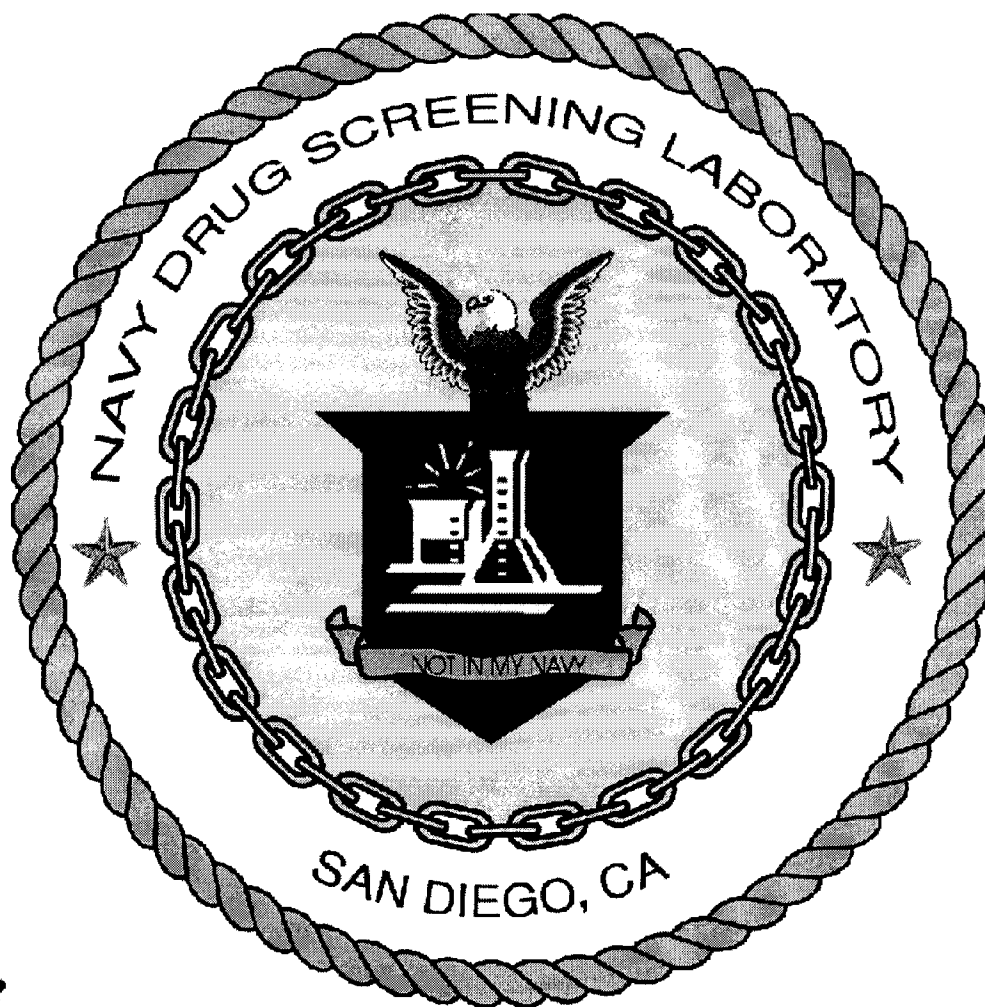
All DOD organizations are required to register their official, publicly accessible Web sites, Web publications, and FOIA Electronic Reading Room Documents in accordance with established GILS policy. If you have any questions about GILS, please refer to our "Frequently Asked Questions" list. Or for additional information refer to our helpful hints. If you still have a question about how to register your official DOD Web site or obtain a registration number, please contact us via e-mail at: [gils@dtic.mil](mailto:gils@dtic.mil).



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This is an official U.S. Navy web site

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? USMC Batch Status with frames	? USMC Batch Status without frames

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**ENCLOSURE(3)**

[? About the Command](#)[? Hours of Operation](#)

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<a href="#">? Community Activities</a>	<a href="#">?</a>	<a href="#">? What's New</a>

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?? **508 Bobby**  
APPROVED

**Questions or Problems contact [? webmaster?@ndslsd.med.navy.mil](mailto:webmaster@ndslsd.med.navy.mil)**

**? GILS Registration #3304**

**POC: [? webmaster?@ndslsd.med.navy.mil](mailto:webmaster?@ndslsd.med.navy.mil)**

**Date of last revision: 14 May 2003**

**? FOIA**



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**? Last updated May 14, 2003**

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5. Make sure users can skip repetitive navigation links.
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**?Our Commanding Officer**

**?Our Command Philosophy**

**?Our Mission, Vision, and Goals**

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**ENCLOSURE(4)**

**Questions or Problems contact ? [webmaster@ndslsd.med.navy.mil](mailto:webmaster@ndslsd.med.navy.mil)**

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**Line 7**
4. If an image conveys important information beyond what is in its alternative text, provide an extended description. (1 instance)  
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## Hours of Operation

We are closed on all federal holidays.

Specimens are accepted between 0700 - 1930, Monday - Friday.

The front office is open from 0700 - 1500, Monday - Friday.

The clerical department can be reached at (619) 532-5183/5173 Monday through Friday 0630-2300 (PST).


**ENCLOSURE(5)**

Questions or Problems contact ? [webmaster@ndslsd.med.navy.mil](mailto:webmaster@ndslsd.med.navy.mil)

Last updated May 13, 2003

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## Points of Contact

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**Navy Drug Screening Laboratory San Diego**  
34425 Farenholt Ave, Suite 40  
Bldg 26-2B  
San Diego, CA 92134

Phone: (619) 532-9372 DSN: 522-9372

E-Mail:

? [webmaster@ndslsd.med.navy.mil](mailto:webmaster@ndslsd.med.navy.mil)

? [techsupport@ndslsd.med.navy.mil](mailto:techsupport@ndslsd.med.navy.mil)

? [messagesupport@ndslsd.med.navy.mil](mailto:messagesupport@ndslsd.med.navy.mil)

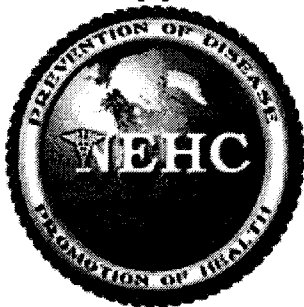
? [customersupport@ndslsd.med.navy.mil](mailto:customersupport@ndslsd.med.navy.mil)

**ENCLOSURE** (w)

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## Navy Drug Testing Program Manager

Navy Environmental Health Center  
620 John Paul Jones Cir Ste 1100  
Portsmouth VA 23708-2103  
Phone: (757) 953-0700

?

42nd Navy Occupational Health and Preventive Medicine  
Workshop

? Workshop Information

**Questions or Problems contact ? [webmaster@ndslsd.med.navy.mil](mailto:webmaster@ndslsd.med.navy.mil)**

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**Line 7**
4. If you use color to convey information, make sure the information is also represented another way. (9 instances)  
**Lines 15, 23, 24, 25, 26, 39, 45, 47, 53**
5. If an image conveys important information beyond what is in its alternative text, provide an

extended description. (2 instances)

**Lines 15, 39**

6. If a table has two or more rows or columns that serve as headers, use structural markup to identify their hierarchy and relationship. (5 instances)

**Lines 14, 11, 38, 35, 8**

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## Frequently Asked Questions (FAQ)

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??  Where do I go to drop off our command's samples?

We are located on the compound of the Naval Medical Center San Diego (a.k.a. - Balboa Hospital).

From I-5 (North or South):

Take the Pershing Drive exit.

At the stop light, turn left (Florida Dr.).

At the very next light, turn left (Bob Wilson Dr.).

Stay in the left lane.

Go straight at the first stop sign.

**ENCLOSURE** 

At the next stop sign, turn right.

Our command sign is there on the left.

**Park where the signs indicate "Reserved parking for Specimen Drop-Off".**

**?? ? What are specimen drop off hours?**

Specimens are accepted between 0700 - 1930, Monday - Friday.

**?? ? Capacity of the Navy Drug Screening Lab San Diego:**

The current capacity is 720,000 specimens/year with an average turn-around time of 1-2 days for negatives and 3-4 days for positives.

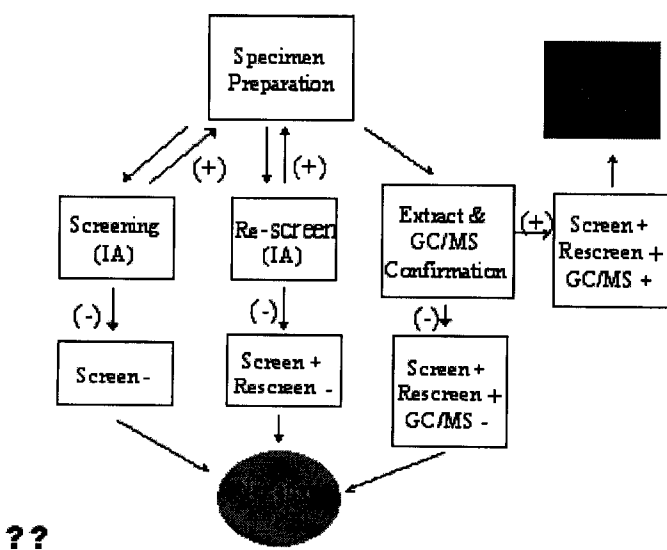
**?? ? How many tested specimens are positive?**

Less than 1% are confirmed positive.

**?? ? How are the samples processed?**

ALL specimens received are tested.

This flowchart give an overall view of the process.



**?? ? What failsafe procedures are in the drug testing**

## system?

- ALL NDSL staff are subject to random urinalysis.
- System is designed to favor the individual (e.g., high cutoff level to preclude possibility of THC passive inhalation).
- An extra test (Re-Screen) conducted to eliminate carryover and as a Quality Control measure.
- Redundant steps are in place to check results and check all handling of specimens.
- Internal Quality Control (QC) - Over 20% of samples tested are QC.
- External QC - Over 17,000 blind negative samples tested, none called positive since inception of program.
- Inspection of the Lab -
  - One annual by Dept. of Defense
  - One annual by CNO's QAATT team
  - Three by NEHC, Navy Drug Testing Program Manager.
- Retest at Commanding Officer's discretion - Of over 7,000 retests, original findings confirmed.
- Commanding Officers retain the latitude to consider mitigating circumstances.

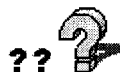
## ?? What are common problems to be concerned about in urine sample collection and preparation of documents?

- Incorrect or missing entries on Custody Document (e.g., UIC, RUC, Unit PLAD and/or second echelon). Specimen listed but not sent; should mark as VOID or line through SSN initial then date entry.
- SSNs on label and Custody Document do not match.
  - Too few digits
  - Too many digits
  - Two (2) digits transposed
- Failure to include locally derived four (4) digit batch and two (2) digit specimen number on bottle label and/or Custody Document.
- Illegible information written in water based felt tipped pen instead of ballpoint pen or indelible ink.
- Failure to line through, initial and date custody documentation relative to urine specimens not forwarded to cognizant NDSL.
- Failure to date block 12(a) and sign block 12 (b) of Custody Document.

## ?? What do the quantitative values (nanogram level),

**which appear after the drug on the message mean?**

These values indicate the amount of drug detected by GC/MS per milliliter of urine. These values can range from the cutoff to many times higher than the cutoff. Values of 100,000 mg/ml or more for cocaine, methamphetamine and MDMA are not unusual. Values for THC of 1000ng/ml or more are also not unusual.



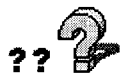
**What does an asterisk after the value mean?**

A value may be flagged by an asterisk (\*) indicating that it exceeded the experimentally determined linearity of the assay. This statement means that the numerical value observed fell above the highest value for which precision limits have been established. The identification of the drug is not in question, however, the quantitated value may be less precise than a value in the established range.

**THESE PROBLEM AREAS ARE CRITICAL FOR PROVING CHAIN OF CUSTODY IN A COURT OF LAW. ATTENTION TO DETAIL IS REQUIRED.**

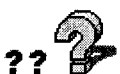
## Message Frequently Asked Questions (FAQ)

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**How long does it take to get test results back from the laboratory?**


You should expect test results within seven days from the day the laboratory *receives* your samples. If it has been longer than 7 days, it is possible that you did not receive the message that the laboratory sent to your command.




**What should I do if I don't receive my test results within that time frame?**

If you do not receive a message regarding your test results within the seven days from the day we received your samples, you may contact the laboratory for assistance. The clerical department can be reached at (619) 532-5183/5173 Monday through Friday 0630-2300 (PST). In most situations like these, result messages were sent but not received. Our clerical staff can provide you with the date-time-group (DTG) of your missing message(s) to assist you in obtaining them


from your servicing communication center. If you are missing results for more than 5 batches please submit a written request by fax (619-532-5187 or DSN 522-5187), email (customerservice@ndslsd.med.navy.mil) or by official Navy message. Include your UIC/RUC, the missing batch numbers, the name of your command, the date the samples were collected, and the phone number and fax number where you can be reached. We will provide you DTG information on your missing messages. Give that DTG information to your servicing communication center. Using this DTG information, they can usually retrieve the message and forward it to you. If they cannot, please contact the laboratory and we will retransmit the message.

**??  My Plain Language Address (PLA) (the info in block 1) has changed, what should I do to make sure my messages still get to my command?**

Our messages are automatically generated based on your UIC/RUC, Base Area Code (Marines only), and your PLA. If any of these items change, please notify the laboratory via email, letter or official Navy message and we will update our database.

**??  Our command moved to another geographical area and now we fall under a different cognizant authority. What do I need to do to make sure my messages go to the new second echelon commands?**

Notify the laboratory in writing stating which second echelon commands need to be added or removed from your messages.

**??  I've tried to update what commands my messages go to on the DD2624, but the changes have not been made. Why is that?**

We no longer make changes to our database based on information on the DD2624. The DD2624 has limited space in which to provide adequate information for message routing. Occasionally DD2624 are submitted to us with incorrect or incomplete information. Therefore, we do not rely on DD2624 for updating our database. We require changes in message routing to be specifically requested in writing from your command.

**?? ?** The new NDSP program printed out a list of members to be tested, but not all of those people are available for testing. What should I do to remove those members from the list?

If a DD2624 form is printed and you know that some of the members on that list are unavailable for testing, just cross out the corresponding SSN's. This can be done with a single line through the SSN with a notation saying VOID or UNAVAILABLE. Some command choose to use a stamp with VOID over the SSN on the list that will not be available. Others choose to use a black marker to cross them out. You may choose whichever method is best for your command as long as it is clear to laboratory personnel which samples are not being submitted. If you do not cross out those SSN's then we will expect to find the corresponding samples in the box. If they are not there, you will be notified on your results message that a sample was listed but not received.

**?? ?** I was rechecking my samples and noticed I entered an SSN incorrectly on my form and on the bottle label. What is the best way to correct that error?

Make a single line through the error, write in the correct information, and place your initials and the current date next to the correction.

**?? ?** What is the best way to contact someone if I have any further questions about my getting my messages, or discrepancies noted on the messages?

The clerical department can be reached at (619) 532-5183/5173 Monday through Friday 0630-2300 (PST). Additionally you can email any requests to our customer service desk. The email address is [customerservice@ndslsd.med.navy.mil](mailto:customerservice@ndslsd.med.navy.mil)

**Questions or Problems contact ? [webmaster@ndslsd.med.navy.mil](mailto:webmaster@ndslsd.med.navy.mil)**

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2. If there are logical groupings of form controls, use FIELDSET with LEGEND on each group. (1 instance)  
**Line 7**
3. If you use color to convey information, make sure the information is also represented another way. (21 instances)  
**Lines 7, 12, 23, 25, 27, 29, 32, 33, 46, 55, 57, 63, 65, 67, 69, 71, 73, 75, 77, 78, 80**
4. If an image conveys important information beyond what is in its alternative text, provide an extended description. (19 instances)  
**Lines 7, 12, 23, 25, 27, 29, 32, 33, 46, 55, 57, 63, 65, 67, 69, 71, 73, 75, 77**
5. If a table has two or more rows or columns that serve as headers, use structural markup to identify their hierarchy and relationship. (2 instances)  
**Lines 11, 62**

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## Links

### Chemistry Tutorials

- ?Chemistry Tutor
- ?Mass Spectrometry Tutor
- ?Chromatography Tutor
- ?Virtual Mass Spectrometry Laboratory

### Navy Links

- ?United States Navy
- ?Navy Environmental Health Center (NEHC)
- ?NADAP - Navy Alcohol and Drug Abuse Prevention Program
- ?Bureau of Medicine and Surgery

**ENCLOSURE(8)**

- ?Bureau of Naval Personnel
- ?Navy Medicine
- ?Naval History Center
- ?Navy Regulations
- ?StayNAVY

### **Specialty Information**

- ?Biochemistry / Toxicology Specialty Leader
- ?Medical Technology Specialty Leader

### **Employment**

- ?Department of the Navy Civilian Human Resources

### **News**

- ?Navy NewsStand
- ?All Hands


- ?United States Marine Corps
- ?United States Army
- ?United States Air Force
- ?United States Coast Guard

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2. If there are logical groupings of form controls, use FIELDSET with LEGEND on each group. (1

*instance)*

**Line 7**

3. If you use color to convey information, make sure the information is also represented another way. (24 instances)

**Lines 7, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 32, 35, 36, 37, 38, 39, 40, 41**

4. Make sure users can skip repetitive navigation links.
5. If an image conveys important information beyond what is in its alternative text, provide an extended description. (1 instance)

**Line 7**

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**ENCLOSURE(9)**

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**Lines 7, 12**
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**Line 7**
4. If an image conveys important information beyond what is in its alternative text, provide an extended description. (1 instance)  
**Line 7**

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## Section 508 Accessibility

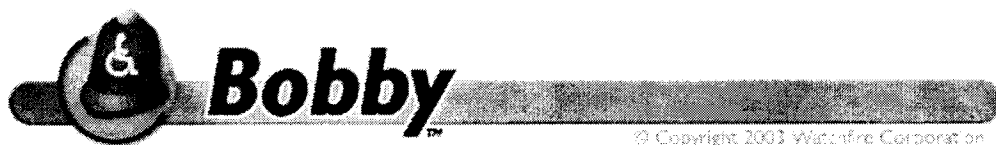
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**Lines 7, 13**
3. If there are logical groupings of form controls, use FIELDSET with LEGEND on each group. (1 instance)  
**Line 7**
4. If an image conveys important information beyond what is in its alternative text, provide an extended description. (1 instance)  
**Line 7**

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## ?? Privacy and Security Notice

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**ENCLOSURE(\\)**

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2. If you use color to convey information, make sure the information is also represented another way. (3 instances)  
**Lines 7, 9, 16**
3. If there are logical groupings of form controls, use FIELDSET with LEGEND on each group. (1 instance)  
**Line 7**
4. If an image conveys important information beyond what is in its alternative text, provide an extended description. (1 instance)  
**Line 7**

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**Lines 7, 11**
3. If there are logical groupings of form controls, use FIELDSET with LEGEND on each group. (1 instance)  
**Line 7**
4. If an image conveys important information beyond what is in its alternative text, provide an extended description. (1 instance)  
**Line 7**

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## SECTION 508 COMPLIANCE

In reference to Section 508 of the Rehabilitation Act of 1973, the NDSLSD staff is continually working to ensure this website is accessible to everyone and are bringing the NDSLSD site into full compliance.

Free tools from the Adobe Corporation are also available to assist visually impaired users at <http://www.adobe.com/products/acrobat/alternate.html>. This link is made to assist in accessibility of .pdf (Adobe Acrobat pdf format) files on this site. Additionally, Adobe has added a .pdf conversion tool that will convert .pdf files to HTML pages. You will find that resource at <http://www.adobe.com/support/downloads/88de.htm>. To download, select the hypertext. This link is made to assist in accessibility of .pdf files on this site. No endorsement or warranty of Adobe Acrobat or Adobe Systems, Inc., is implied or expressed.

For additional information regarding Section 508 of the Rehabilitation Act of 1973, follow the links below:

- <http://www.section508.gov>

**ENCLOSURE(3)**

- <http://www.don-imit.navy.mil/infoalert.html>
- <http://www.microsoft.com/enable/microsoft/section508.htm>
- <http://www.access-board.gov/508.htm>
- <http://www.w3.org/wai>
- <http://www.w3.org/TR/1999/WAI-WEBCONTENT-19990505/full-checklist.html>
- <http://www.govexec.com/508/>
- <http://www.chinfo.navy.mil/navpalib/accessibility/>

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4. If an image conveys important information beyond what is in its alternative text, provide an extended description. (2 instances)  
**Lines 7, 17**

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# The Freedom of Information Act

**5 U.S.C. § 552, As Amended By  
Public Law No. 104-231, 110 Stat. 2422**

*Below is the full text of the Freedom of Information Act in a form showing all amendments to the statute made by the "Electronic Freedom of Information Act Amendments of 1996." All newly enacted provisions are in boldface type.*

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

**ENCLOSURE** (14)

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public--

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying--

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

**(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and**

**(E) a general index of the records referred to under subparagraph (D);**

unless the materials are promptly published and copies offered for sale. **For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means.** To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, **staff manual, instruction, or copies of records referred to in subparagraph (D)** However, in each case the justification for the deletion shall be explained fully in writing **and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made.** If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of an index on request at a cost not to exceed the direct cost of duplication. **Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999.** A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if-

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

## ***. . . Text of the FOIA as Amended***

(3)(A) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon request for records which ~~(A)~~ (i) reasonably describes such records and ~~(B)~~ (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedure to be followed, shall make the records promptly available to any person.

**(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for**

**purposes of this section.**

**(C) In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system.**

**(D) For purposes of this paragraph, the term "search" means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request.**

**(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.**

**(ii) Such agency regulations shall provide that--**

**(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;**

**(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and**

**(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.**

**(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.**

**(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section--**

(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(II) for any request described in clause (ii)(II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo, provided that the court's review of the matter shall be limited to the record before the agency.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action. **In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B).**

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

## ***... Text of the FOIA as Amended***

[(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way. Repealed by Pub. L. 98-620, Title IV, 402(2), Nov. 8, 1984, 98 Stat. 3335, 3357.]

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which

the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall--

(i) determine within ~~ten days~~ **twenty days** (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request--

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

**(B)(i) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph.**

**(ii) With respect to a request for which a written notice under clause (i) extends the time limits prescribed under clause (i) of subparagraph (A), the agency shall notify the person making the request if the request cannot be processed within the time limits specified in that clause and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).**

**(iii) As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular requests--**

**(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;**

**(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or**

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**(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.**

**(iv) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for the aggregation of certain requests by the same requestor, or**

**by a group of requestors acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in this subparagraph, and the requests involve clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.**

**(C)(i) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.**

**(ii) For purposes of this subparagraph, the term "exceptional circumstances" does not include a delay that results from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.**

**(iii) Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing the request (or a modified request) under clause (ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.**

**(D)(i) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for multitrack processing of requests for records based on the amount of work or time (or both) involved in processing requests.**

**(ii) Regulations under this subparagraph may provide a person making a request that does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing.**

**(iii) This subparagraph shall not be considered to affect the requirement under subparagraph (C) to exercise due diligence.**

**(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records--**

**(I) in cases in which the person requesting the records demonstrates a compelling need; and**

**(II) in other cases determined by the agency.**

**(ii) Notwithstanding clause (i), regulations under this subparagraph must ensure--**

**(I) that a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request; and**

**(II) expeditious consideration of administrative appeals of such determinations of whether to provide expedited processing.**

**(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4), except that the judicial review shall be based on the record before the agency at the time of the determination.**

**(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.**

**(v) For purposes of this subparagraph, the term "compelling need" means--**

**(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or**

**(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.**

**(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.**

**(F) In denying a request for records, in whole or in part, an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request, unless providing such estimate would harm an interest protected by the exemption in subsection (b) pursuant to which the denial is made.**

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**(b) This section does not apply to matters that are--**

**(1)(A) specifically authorized under criteria established by an Executive order to be kept**

secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection. **The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion**

is made.

(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and--

(A) the investigation or proceeding involves a possible violation of criminal law; and

(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(2) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(d) This section does not authorize the withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

(e) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include--

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

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(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

**(e)(1) On or before February 1 of each year, each agency shall submit to the Attorney General of the United States a report which shall cover the preceding fiscal year and which shall include--**

**(A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;**

**(B)(i) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; and**

**(ii) a complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3), a description of whether a court has upheld the decision of the agency to withhold information under each such statute, and a concise description of the scope of any information withheld;**

**(C) the number of requests for records pending before the agency as of September 30 of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;**

**(D) the number of requests for records received by the agency and the number of requests which the agency processed;**

**(E) the median number of days taken by the agency to process different types of requests;**

(F) the total amount of fees collected by the agency for processing requests; and

(G) the number of full-time staff of the agency devoted to processing requests for records under this section, and the total amount expended by the agency for processing such requests.

(2) Each agency shall make each such report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means.

(3) The Attorney General of the United States shall make each report which has been made available by electronic means available at a single electronic access point. The Attorney General of the United States shall notify the Chairman and ranking minority member of the Committee on Government Reform and Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Governmental Affairs and the Judiciary of the Senate, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

(4) The Attorney General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop reporting and performance guidelines in connection with reports required by this subsection by October 1, 1997, and may establish additional requirements for such reports as the Attorney General determines may be useful.

(5) The Attorney General of the United States shall submit an annual report on or before April 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(f) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(f) For purposes of this section, the term--

(1) "agency" as defined in section 551(1) of this title includes any executive department, military department,

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**Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and**

**(2) "record" and any other term used in this section in reference to information includes any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format.**

**(g) The head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency, subject to the exemptions in subsection (b), including--**

**(1) an index of all major information systems of the agency;**

**(2) a description of major information and record locator systems maintained by the agency; and**

**(3) a handbook for obtaining various types and categories of public information from the agency pursuant to chapter 35 of title 44, and under this section.**

**\* \* \* \* \***

## **Section 12. Effective Date [not to be codified].**

**(a) Except as provided in subsection (b), this Act shall take effect 180 days after the date of the enactment of this Act [March 31, 1997].**

**(b) Sections 7 and 8 shall take effect one year after the date of the enactment of this Act [October 2, 1997].**

Below is the full text of the statement issued by President Clinton upon signing the 1996 FOIA amendments into law on October 2, 1996:

*I am pleased to sign into law today H.R. 3802, the "Electronic Freedom of Information Act Amendments of 1996."*

*This bill represents the culmination of several years of leadership by Senator Patrick Leahy to bring this important law up to date. Enacted in 1966, the Freedom of Information Act (FOIA) was the first law to establish an effective legal right of access to government information, underscoring the crucial need in a democracy for open access to government information by citizens. In the last 30 years, citizens, scholars, and reporters have used FOIA to obtain vital and valuable government information.*

*Since 1966, the world has changed a great deal. Records are no longer principally maintained in paper format. Now, they are maintained in a variety of technologies, including CD ROM and computer tapes and diskettes, making it easier to put more information on-line.*

*My Administration has launched numerous initiatives to bring more government information to the public. We have established World Wide Web pages, which identify and link information resources throughout the Federal Government. An enormous range of documents and data, including the Federal budget, is now available on-line or in electronic format, making government more accessible than ever. And in the last year, we have declassified unprecedented amounts of national security material, including information on nuclear testing.*

*The legislation I sign today brings FOIA into the information and electronic age by clarifying that it applies to records maintained in electronic format. This law also broadens public access to government information by placing more material on-line and expanding the role of the agency reading room. As the Government actively disseminates more information, I hope that there will be less need to use FOIA to obtain government information.*

*This legislation not only affirms the importance, but also the challenge of maintaining openness in government. In a period of government downsizing, the numbers of requests continue to rise. In addition, growing numbers of requests are for information that must be reviewed for declassification, or in which there is a proprietary interest or a privacy concern. The result in many agencies is huge backlogs of requests.*

*In this Act, the Congress recognized that with today's limited resources, it is frequently difficult to respond to a FOIA request within the 10 days formerly required in the law. This legislation extends the legal response period to 20 days.*

*More importantly, it recognizes that many FOIA requests are so broad and complex that they cannot possibly be completed even within this longer period, and the time spent processing them only delays other requests. Accordingly, H.R. 3802 establishes procedures for an agency to discuss with requesters ways of tailoring large requests to improve responsiveness. This approach explicitly recognizes that FOIA works best when agencies and requesters work together.*


*Our country was founded on democratic principles of openness and accountability, and for 30 years, FOIA has supported these principles. Today, the "Electronic Freedom of Information Act Amendments of 1996" reforges an important link between the United States Government and the American people.*

**Questions or Problems contact ? [webmaster@ndslsd.med.navy.mil](mailto:webmaster@ndslsd.med.navy.mil)**

Last updated May 13, 2003

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